



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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**ENFORCEMENT UPDATE - BEEDE WASTE OIL SUPERFUND SITE  
AUGUST, 2002**

**Meetings and Negotiations with EPA**

In the Spring of 2002, a number of PRPs and PRP groups expressed interest in meeting directly with EPA. Until issuance of the proposed plan and EPA's second *de minimis* settlement offer, EPA considered such meetings to be premature, since, in fairness to all parties, the Agency cannot meet with one PRP or PRP group without also providing other PRPs with access to EPA.

Shortly after issuance of the proposed plan and the second *de minimis* settlement, on July 11, 2002, EPA held a confidential introductory settlement meeting to which all PRPs were invited. The purpose of this meeting was to encourage parties to organize into groups, if they had not done so already, to form an executive steering committee to negotiate with EPA, and to provide all parties with general information about remedy selection, costs, and expected timing of future settlement negotiations for the final remedy. Several individual PRPs and PRP groups, including TRC, Inc., which participated on behalf of a group of PRPs, were represented at the meeting. Two parties, TRC and members of the group of PRPs supporting TRC, and counsel for Exxon Mobil, made presentations to EPA and the other PRPs regarding cleanup of the site. A number of parties representing different PRPs expressed interest in conducting settlement negotiations.

It is early in the Superfund process to begin settlement negotiations for the final remedy. Typically, settlement negotiations occur after selection of the remedy is announced via a Record of Decision for the site. At Beede, the proposed remedy is currently under public review and comment, and EPA cannot issue a Record of Decision finalizing remedy selection until the public process is complete. Even though it is early to begin settlement negotiations at Beede, EPA announced to parties on July 11 that EPA is willing to consider an expedited negotiations schedule upon receipt of a written good faith settlement offer by a representative group of interested PRPs, which could include the involvement of a Superfund Company such as TRC, Inc. EPA indicated what the elements of a good faith offer must include. To date, EPA has not received a written settlement offer from the PRPs. EPA cannot begin settlement negotiations for the Beede site prior to receipt of a written good faith settlement offer.

**De Minimis Settlements**

EPA issued a first *de minimis* settlement offer to the smallest volume hazardous waste contributor parties at Beede in June of 2001. This settlement was made effective in November of 2001 and included 496 of the approximately 680 parties who received the offer. Currently, EPA, in cooperation with the New Hampshire Department of Environmental Services, is in the process of finalizing a second *de minimis* settlement at Beede, offered to approximately 1,000 parties. This second non-negotiable settlement offer to small volume parties closed on August 2, 2002. EPA expects that this settlement will be made effective prior to the end of the 2002 calendar year. Money collected in the first *de minimis* settlement is being held in a Beede Superfund Special Account pending final remedy negotiations. Money collected in the second

settlement will also be deposited in this special account (excluding the settlement share going directly to the State of New Hampshire pursuant to the second *de minimis* settlement agreement).

### **Proposed Cleanup Plan**

EPA issued the proposed remedial action plan in mid-June. The proposed plan documents the details, rationale and costs of a preferred cleanup alternative for the Beede Site. The preferred alternative includes off-site treatment or disposal of shallow contaminated soil and active on-site treatment of contaminated deep soil and groundwater at a total estimated cost of \$48 million. Issuance of the plan triggered a public review and comment period which closes on August 18. EPA held an informational meeting on the proposed plan on June 26, 2002, and a hearing to accept verbal comments on July 17, 2002. After consideration of comments received on the proposed plan, EPA will prepare a summary which responds to all significant comments, criticisms and new relevant information received during the public comment period. This document, known as a Responsiveness Summary, will be publicly available when EPA issues its final cleanup plan for the site, known as a Record of Decision. EPA anticipates issuing the Record of Decision in 2003.

### **Next Steps**

EPA will continue efforts necessary to finalize the second *de minimis* settlement prior to the end of the calendar year. EPA will also work on preparing a written response to all significant comments received during the public comment period for the proposed cleanup plan, which closes on August 18. The responses will be incorporated in the Responsiveness Summary, which will be publicly available at the time that EPA issues the Record of Decision for the site.

EPA is also prepared to consider an expedited settlement negotiations process with the PRPs upon receipt of a written good faith settlement proposal.

### **Additional Information**

Parties can access information about the Beede site, including both remedy-related and enforcement developments, by calling the toll-free Beede Hotline at 1-888-294-6980 or visiting the Beede web site at [www.epa.gov/region01/sudefund/sites/beede](http://www.epa.gov/region01/sudefund/sites/beede).